**UNITED STATES**
**NUCLEAR REGULATORY COMMISSION**
**REGION I**
**475 ALLENDALE RD, STE 102**
**KING OF PRUSSIA, PENNSYLVANIA 19406-1415**

March 5, 2024

EA-24-027

Bob Coffey
Executive Vice President, Nuclear Division
and Chief Nuclear Officer
Florida Power & Light Company
700 Universe Blvd.
Mail Stop: EX/JB
Juno Beach, FL 33408

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR SEABROOK STATION, UNIT NO. 1 (EPID: L-2024-033)

Dear Bob Coffey:

By letter (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24064A077) dated March 4, 2024, NextEra Energy Seabrook, LLC (NextEra, the licensee) requested the U.S. Nuclear Regulatory Commission (NRC) exercise discretion to not enforce compliance with the actions required by Seabrook Station, Unit No. 1 (Seabrook), Technical Specifications (TS) Limiting Condition for Operation (LCO) 3.8.1.1 – "A.C. Sources."

This letter documents information previously discussed with the NRC in telephone conferences held on March 2, 2024, at 4:00 p.m. Eastern Standard Time (EST) and March 3, 2024, at 4:00 p.m. EST. The principal NRC staff members who participated in the telephone conferences are listed in the enclosure. The NRC staff determined that the information contained in your letter requesting the Notice of Enforcement Discretion (NOED) was consistent with your oral request.

The NRC first became aware of the potential for this NOED request on March 1, 2024, at approximately 6:30 a.m. EST through communication with the Seabrook Senior Resident Inspector. The licensee requested that a NOED be granted pursuant to the NRC's policy regarding exercise of discretion for an operating power reactor, set out in the NRC Enforcement Manual, Appendix F, "Notices of Enforcement Discretion," and the NOED be effective for five days past the LCO 3.8.1.1 expiration date of March 4, 2024 (i.e., until 5:42 a.m. EST on Saturday, March 9, 2024). This letter documents the event and our telephone conversation on March 3, 2024, when we orally granted this NOED request.

On March 1, 2024, at approximately 5:42 a.m. EST, the Seabrook control room received alarms associated with 345kV breakers 695 and 52 opening, de-energizing the 3B reserve auxiliary transformer. The licensee declared 3B reserve auxiliary transformer inoperable and entered TS LCO 3.8.1.1. Initial troubleshooting identified that 3B reserve auxiliary transformer had two local alarms present: sudden pressure relay actuated along with low oil level. A low SF6 gas alarm

was identified at 6:52 a.m. EST. Following testing of the 3B reserve auxiliary transformer, the licensee concluded that the maintenance activity would entail the replacement of the transformer. The licensee determined that the repair methods available to the station to correct the condition would exceed the TS LCO completion time and initiated the NOED process with the NRC.

During the teleconference held on March 3, 2024, the licensee requested enforcement discretion for the period of time that was required to process an emergency TS License Amendment Request (LAR) under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.91(a)(5). This TS LAR is expected to extend the TS LCO 3.8.1.1. completion time to provide the necessary time for replacement of the 3B reserve auxiliary transformer. Without this enforcement discretion, Seabrook was required to be in Mode 3 by 11:42 a.m. EST on March 4, 2024, and Mode 5 within 30 hours of achieving Mode 3 conditions. During internal NRC discussions, the Office of Nuclear Reactor Regulation, Division of Operating Reactor Licensing expressed confidence in completing the LAR review based on the straightforward nature of the change and the very low risk increase associated with the transformer unavailability.

The licensee indicated that the calculated increase in Seabrook incremental conditional core damage probability (ICCDP), using the zero-maintenance probability model, for the requested five day enforcement discretion period was 9.58E-10. The licensee also indicated that the increase in Seabrook incremental conditional large early release probability (ICLERP) was 2.81E-12. These values were less than the 5E-7 ICCDP and 5E-8 ICLERP guidance thresholds specified in the NRC Enforcement Manual, Appendix F.

During the requested period of enforcement discretion, the licensee proposed to implement compensatory risk management measures to reduce the likelihood of risk significant initiating events and protect risk significant equipment and actions. These measures included, but were not limited to, the following:

- Protecting risk significant systems and areas;
- Restricting maintenance and surveillance activities;
- Performing fire patrols in high fire risk areas;
- Monitoring weather and grid conditions; and
- Just in time training for operators for potential risks associated with activity

The licensee's On-site Review Group (ORG) approved submission of the NOED request on March 3, 2024, prior to the verbal request for a NOED.

Based on the NRC staff's evaluation of the licensee's request, the staff determined that granting this NOED was consistent with the NRC's Enforcement Policy and staff guidance. The NOED request met the criteria specified in NRC's Enforcement Manual, Appendix F, "Notices of Enforcement Discretion," Sections 2.2 and 2.5. Specifically, the NRC determined that it was appropriate to exercise discretion for the brief period of time required for the licensee and the NRC staff to process an emergency TS LAR under the provisions of 10 CFR 50.91(a)(5) and avoid an unnecessary shutdown of a reactor without a corresponding benefit to public health and safety or the environment. Therefore, as communicated orally to the licensee at approximately 4:27 p.m. EST on March 3, 2024, the NRC exercised discretion to not enforce compliance with TS LCO 3.8.1.1. for a period of five days, which would require a shutdown by 5:42 a.m. EST on March 9, 2024.

In accordance with the granted NOED, NextEra submitted the emergent TS LAR on March 4, 2024 (ADAMS Accession No. ML24064A247) to modify TS 3.8.1.1 by extending the completion time on a one-time basis from 72 hours to 30 days to allow replacement of the 3B reserve auxiliary transformer.

As stated in the NRC Enforcement Policy, enforcement action may be taken to the extent that violations were involved for the root cause that led to the noncompliance for which this NOED was necessary.

This letter and its enclosures will be made available for public inspection and copying at http://www.nrc.gov/reading-rm/adams.html and at the NRC Public Document Room in accordance with 10 CFR 2.390, “Public Inspections, Exemptions, Requests for Withholding.”

Sincerely,

Raymond R. McKinley

Digitally signed by Raymond R. McKinley
Date: 2024.03.05 15:22:05 -05'00'

Raymond R. McKinley, Deputy Director
Division of Operating Reactor Safety

Docket No. 05000443
License No. NPF-86

Enclosures:
1. List of Key NRC Personnel
2. Seabrook Station Notice of Enforcement Request (ML24064A077)
3. Seabrook Station Emergent TS License Amendment Request (ML24064A247)

cc w/encl: Distribution via ListServ

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR SEABROOK STATION, UNIT NO. 1 (EPID: L-2024-033) DATED MARCH 5, 2024

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| OFFICE | RI/DORS | NRR/DORL | NRR/DORL | RI/DORS | |
| NAME | M. Young | E. Miller | J. Heisserer | R. McKinley | |
| DATE | 3/5/24 | 3/5/24 | 3/5/24 | 3/5/24 | |

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**LIST OF KEY NRC PERSONNEL**

NRC REGION I

B. Welling, Director, Division of Operating Reactor Safety (DORS)
R. McKinley, Deputy Director, DORS
M. Young, Branch Chief, DORS, Projects Branch 2
T. Daun, Seabrook Senior Resident Inspector, DORS, Projects Branch 2
E. Allen, Seabrook Resident Inspector, DORS, Projects Branch 2
S. Elkhiamy, Senior Project Engineer, DORS, Projects Branch 2
C. Bickett, Senior Reactor Analyst, DORS
D. Werkheiser, Senior Reactor Analyst, DORS

Office of Nuclear Reactor Regulation

J. Heisserer, Deputy Director, Division of Operating Reactor Licensing (DORL)
V. Sreenivas, Project Manager, DORL, Plant Licensing Branch I
H. Gonzalez, Branch Chief, DORL, Plant Licensing Branch I
B. Wittick, Branch Chief, Division of Safety Systems, Containment and Plant Systems Branch
A. Zoulis, Branch Chief, Division of Risk Assessment, PRA Licensing Oversight Branch
R. Rodriguez, Reactor Analyst, Division of Risk Assessment, PRA Licensing Oversight Branch
E. Miller, Senior Project Manager, DORL, Plant Licensing Branch II-1
H. Wagage, Senior Safety and Plant Systems Engineer, Division of Safety Systems, Containment and
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S. Mehta, Branch Chief, Division of Safety Systems, Technical Specifications Branch
K. West, Safety and Plant Systems Engineer, Division of Safety Systems, Technical Specifications Branch
W. Mortan, Branch Chief, Division of Engineering and External Hazards, Electrical Engineering Branch
A. Foli, Electrical Engineer, Division of Engineering and External Hazards, Electrical Engineering Branch